

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

SUNQUEST PROPERTIES, INC.
AND COMPASS POINTE APARTMENTS PARTNERSHIP

PLAINTIFFS

V.

CIVIL ACTION NO. 1:08cv692-LTS-RHW

NATIONWIDE PROPERTY AND CASUALTY COMPANY
AND JOHN DOES 1-5

DEFENDANTS

ORDER

The background in this cause of action is that Defendant insured an apartment complex known as Compass Pointe Apartments located at 4100 Chicot Street in Pascagoula, Mississippi, under policy No. 63BP139-742-0003. At the time of Hurricane Katrina, the apartments were owned by Compass Pointe Apartments Partnership and managed by Sunquest Properties, Inc.. Hurricane Katrina caused damage to the covered premises on August 29, 2005.

Plaintiffs have filed a [28] Motion for Partial Summary Judgment to Compel Appraisal. Defendant has [29] responded, and Plaintiffs [31] replied. This case can be described as a companion to *Sunquest Properties, Inc., et al. v. Nationwide Property and Casualty Co.*, No. 1:08cv687, involving a separate apartment complex. The instant [28] motion is substantively identical to the motion filed in that civil action (also docket entry [28]). Correspondence between the parties addressing hurricane damage referred to both properties and policy numbers.

For the reasons given in an [32] Order entered in civil action no. 1:08cv687, attached hereto and incorporated herein by reference, **IT IS ORDERED:**

Plaintiffs' [28] Motion for Partial Summary Judgment to Compel Appraisal is **DENIED**.

SO ORDERED this the 8th day of June, 2009.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE